



MEMORANDUM

Agenda Item No. 7(C)(1)(A)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

DATE: July 13, 2004

SUBJECT: Raul Guzman d/b/a Eagle Transportation &
Services Corp. application for a transfer of
Passenger Motor Carrier Certificate of
Transportation No. 234

FROM: George M. Burgess
County Manager

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 234 from Luppe Elguera d/b/a Bravo Tours to Raul Guzman d/b/a Eagle Transportation & Services Corp.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Luppe Elguera d/b/a Bravo Tours has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 234 to Raul Guzman d/b/a Eagle Transportation & Services Corp. The Code requires that such transfers be approved by the Board. PMC No. 234, originally issued on September 23, 1997, to Luppe Elguera d/b/a Bravo Tours, authorizes special operations service. Raul Guzman d/b/a Eagle Transportation & Services Corp., located at 15445 SW 138 Avenue, Miami, Florida, 33177, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-1040-97, attached). Raul Guzman d/b/a Eagle Transportation & Services Corp., will continue transporting tourist and resident groups to and from various locations throughout Miami-Dade County.

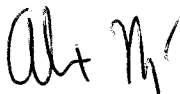
Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Raul Guzman, owner of Eagle Transportation & Services Corp., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement between Raul Guzman d/b/a Eagle Transportation & Services Corp. and Luppe Elguera d/b/a Bravo Tours, establishes the acquisition by Raul Guzman d/b/a Eagle Transportation & Services Corp of PMC Certificate of Transportation No. 234 for a total price of seven thousand five hundred dollars (\$7,500.00).

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



Alex Muñoz
Assistant County Manager

ARTICLE III. PASSENGER MOTOR
CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2-16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.



EAGLE TRANSPORTATION & SERVICES CORP.

Phone: (305) 496-2308
Fax : (305) 255-3762

E-mail: eagle_exec_transport@lycos.com
Web: www.geocities.com/eagle_exec_transport

Messrs: METRO DADE CONSUMER
SERVICES DEPARTMENT

ATT: PASSENGER TRANSPORTATION
REGULATORY DIVISION

REF: EAGLE TRANSPORTATION & SERVICES CORPORATION
INITIAL PUBLIC RATE STRUCTURE.

Rate Structure:

Tour of the city and Bayside.	\$	35.00
*Tour of the city and Seaquarium		55.00
*Tour of the city and Parrot Jungle		45.00
Tour of Miami at night		37.00
Key West		60.00
Fort Lauderdale – Tour de compras		39.00
Fort Lauderdale – Sawgrass Mills Mall		45.00
Everglades – Granja de caimanes		55.00

Rates are round trip (per passenger)

Transfers from hotels to Miami International Airport and from Miami International Airport to Hotels:

Hotels in Perrine – Cutler Ridge	\$	36.00
Hotels in Kendal		31.00
Hotels in South Miami		30.00
Hotels in Coral Gables		28.00
Hotels in Downtown		28.00
Hotels in South Beach		32.00

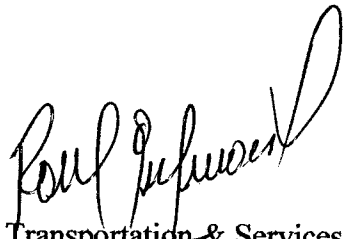
4

Hotels in Surfside – Bal Harbor	35.00
Hotels in North Miami Beach	38.00
Hotels in North Miami – Aventura	37.00
Hotels in Hialeah	25.00

Rates are one way (per passenger)

* Rates not include admission to attractions.

* All prices are per passenger.


Eagle Transportation & Services Corp.
Raul Guzman



MEMORANDUM Agenda Item No. 4(Z)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 23, 1997

SUBJECT:

FROM: Armando Vidal, P.E.
County Manager

Luppe Elguera d/b/a Bravo Tours
application for a Passenger Motor
Carrier Certificate (PMC Control No.
324)

RECOMMENDATION

It is recommended that the Board approve the application of Luppe Elguera d/b/a Bravo Tours for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedures to be followed by Metro-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS

Luppe Elguera d/b/a Bravo Tours, located at 6925 Troville Esplande, Miami Beach, Florida 33141, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation, as a tour operator, to passengers throughout all of Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourist groups to and from various locations throughout Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided 24 hours a day, seven days a week, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Luppe Elguera, Owner of Bravo Tours, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

This item is being submitted for the September, 1997 Policy Formulation and Internal Support Committee meeting.

Approved _____ Mayor

Agenda Item No. 4 (Z)
9-23-97

Veto _____

Override _____

RESOLUTION NO. R-1040-97

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO LUPPE
ELGUERA D/B/A BRAVO TOURS TO PROVIDE SPECIAL
OPERATIONS SERVICE AS A PASSENGER MOTOR
CARRIER

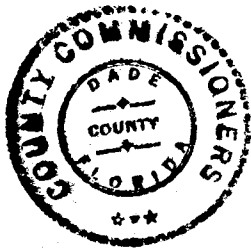
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Luppe Elguera d/b/a Bravo Tours.

The foregoing resolution was offered by Commissioner Dr Miriam Alonso, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	James Burke	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	absent
Gwen Margolis	aye	Natacha Seijas Millan	aye
Jimmy L. Morales	absent	Dennis C. Moss	aye
Pedro Reboredo	absent	Katy Sorenson	aye
Javier D. Souto			aye

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of September, 1997. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as to
form and legal sufficiency. GKS

By KAY SULLIVAN
Deputy Clerk

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Thursday, June 17, 2004 at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 234 to Raul Guzman d/b/a Eagle Transportation & Services Corp., to provide special operations services as a passenger motor carrier.

A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

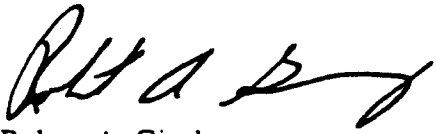


MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 13, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)(1)(A)
7-13-04

RESOLUTION NO. _____

**RESOLUTION APPROVING TRANSFER OF CERTIFICATE
OF TRANSPORTATION NO. 234 TO RAUL GUZMAN D/B/A
EAGLE TRANSPORTATION & SERVICES CORP, TO
PROVIDE SPECIAL OPERATIONS SERVICE AS A
PASSENGER MOTOR CARRIER.**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 234 to Raul Guzman d/b/a/ Eagle Transportation & Services Corp., to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County is approved.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorrin D. Rolle
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. GKS
Gerald K. Sanchez

By: _____
Deputy Clerk